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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,852	09/27/2000	John J Horton	BS00-150	6537
28970	7590	04/01/2005	EXAMINER	
SHAW PITTMAN IP GROUP 1650 TYSONS BOULEVARD SUITE 1300 MCLEAN, VA 22102			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 04/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/669,852	HORTON, JOHN J	
	Examiner	Art Unit	
	Aaron Strange	2153	

All participants (applicant, applicant's representative, PTO personnel):

(1) Aaron Strange. (3) _____.

(2) Jeramie Keys. (4) _____.

Date of Interview: 24 March 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1 and 24.

Identification of prior art discussed: Branson, Hibbard, Tsoft, and Thurlow.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

1. Claim 24 was discussed with regard to the Examiner's recommendation made in the Office action of 12/28/2004. Mr. Keys agreed to amend the claim to make it clearer that the service provider concludes xDSL has failed based only on the user connecting via dial-up modem. Mr. Keys was reminded to take care in avoiding adding new matter via the amendment.

2. Regarding claim 1, the prior art of record was discussed and Mr. Keys expressed that he felt the combination of Branson and Hibbard did not lend itself to being modified to allow user intervention to control the activation of the backup connection and that Thurlow fails to teach prompting the user whether to activate a backup connection. The Examiner stated that while he disagreed at the present time, he would be willing to further consider such an argument if it was presented in a formal response.

3. No formal agreements were reached with respect to the claims.